

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	)	
	)	
RANDY B. REYNOLDS	)	Docket: 7655
	)	
Serial No.: 09/239,918	)	
	)	Art Unit: 3628
Filed: January 29, 1999	)	
	)	
For: POINT-OF-PURCHASE ADVERTISING	)	Examiner: UNKNOWN
BY A CANTILEVERED DISPLAY	)	
MECHANISM AND RELATED	)	
METHODS	)	

**RELATED ART/INFORMATION DISCLOSURE STATEMENT**

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

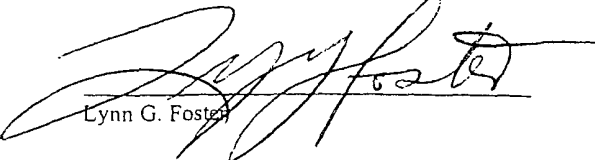
Sir:

The Applicant does not believe that the related art set forth on the accompanying PTO-1449 forms is particularly germane and certainly such does not anticipate or make obvious the invention of the above-identified application.

To the best of the recollection of the Applicant and the undersigned, neither is aware of any further patent or publication which might be deemed relevant to the claimed subject matter.

Furthermore, it should also be made of record that no exhaustive effort has been undertaken to locate, either on the part of the Applicant or the undersigned, any patent or publication which

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C., 20231, on 3-15-99.

  
Lynn G. Foster

might in the past have been familiar to the Applicant or the undersigned and which may be contained in the files and/or among records concerning which neither the Applicant nor the undersigned has present recollection.

Restated, so far as the undersigned and the Applicant are able to presently recall, neither is aware of any related art patents or publications believed to be germane in any way to the above-identified application other than the patents mentioned below and said patents are only of general interest.

Point-of-purchase advertising in grocery stores and similar businesses has existed for a very long time. A number of advertising techniques have been employed with the goal of enhancing the sales volume of advertised products. Some of the advertising techniques of the past, which target a specific product, have had little impact on sales, while others have caused a measurable increase in sales. Most sales increases in the past have been modest. Thus, the quest has continued for better ways to enhance sales of a given product, among many other available products, offered along a shopping aisle in a retail store.

Typically, the manufacturer of a product, which is to receive target point-of-purchase advertising in a retail store, places or contracts for the placement of the advertising adjacent to the product, stored on a shelf, in a refrigerated cabinet or on a rack. The costs of such advertising must be balanced against the increase in sales of the product, if any, which is the subject of the target advertising. Key factors in respect to such point-of-purchase advertising are: (1) the extent to which the attention of prospective customers is attracted directly and meaningfully to the product receiving the target advertising over and above other available products; (2) the comparative cost of the advertised product; and (3) the cost and convenience of installing, maintaining and varying the target

advertising. Most prior art point-of-purchase display devices have not produced a large increase in sales.

Until recently, the prior art of point-of-purchase advertising displays have sometimes comprised rigid and static displays supported by a shelf such that the advertising thereof faces the aisle while being generally flush with the shelf. Such signs are known to sometimes provide illumination, but such illumination is obscure because it is directed transversely into the aisle from difficult to observe locations between shelves which contain goods in the form of stacked cans or packages, for example. One must be in the aisle directly in front of the display in order to effectively see the illumination. Also, the advertising indicia of the sign is parallel to the aisle, requiring the potential purchaser to be directly in front of the sign in order to read and understand the advertising indicia. See U.S. 3,015,177 and U.S. 4,924,363 for examples.

As an alternative, the earlier prior art teaches use of a non-illuminating deflectable display assembly which is mounted in cantilevered fashion to extend transversely into a shopping aisle. See U.S. 4,805,331. A top eccentric torsion spring biases the display assembly toward the neutral position counter to any displacement by a shopping cart, for example. This type of sign does not adequately attract the singular attention of potential buyers.

In addition, it is known to provide an illuminated deflectable display mechanism which comprises a permanent cantilevered frame indirectly mounted to shelf molding in which one or more advertising cards are inserted. See U.S. 5,111,606 and U.S. 5,233,773, each issued to one of the present inventors. While the advertising cards are removable and replaceable, the overall configuration and nature of the advertising region is fixed. It is, therefore, impossible to vary the peripheral limits and the basic nature of advertising, though card content may vary. A

deflection-accommodating spring or other return is connected directly to the proximal part of the frame or, in the alternative, an eccentric elevated torsion spring returns the frame, after lateral deflection, to its neutral position. If a peripherally different sign is desired, the entire display assembly must be removed and replaced by something else, if available.

Prior art point-of-purchase display assemblies fail to accommodate substantial variation in the nature, the configuration, including the peripheral make-up, and the content of the advertising segment of a display assembly without requiring disconnection and removal of the entire display assembly from its mounting upon a molding at a shelf edge or on the face of a refrigerator cabinet.

Also, the nature of a centrally-disposed return spring for cantilevered display assemblies of the prior art typically requires attachment of the return spring directly to the proximal end of the frame, which frame surrounds the area of advertising. Thus, the central return spring not only biases the display assembly toward neutral, but also fully supports the weight of the cantilevered frame and the contents thereof while singularly absorbing the deflection impact of shopping carts against the frame. As a consequence, the life of the return spring is relatively short and as the spring begins to lose its resiliency or strength, the display frame may not continue to return to neutral and/or may sag.

Furthermore, provision of illumination systems for such display assemblies has posed certain problems related to size, location and access to and vandalism of sources of power comprised of batteries.

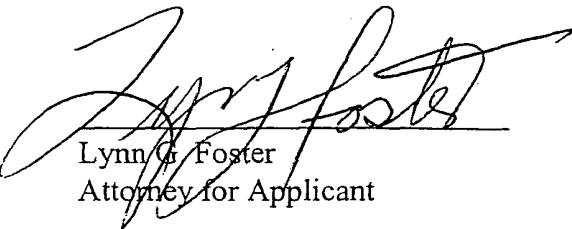
In addition, insertion, retention and removal from the peripheral frame of advertising cards has presented difficulties including but not limited to wear and tear, soiling, vandalism and unauthorized removal. Even a cursory review of Griswold U.S. Patent No. 1,760,270 reveals that it is highly nonanalogous with respect to the present invention. Griswold discusses an invention

relating to a "semaphore or signal post or lamp post" and more particularly to a "traffic signal post." All of the structure, design, and operation of the Griswold device relates to the contingency where a vehicle strikes the post and *the vehicle* will not be greatly damaged. (See Column 1, lines 12-15). There is nothing to teach or suggest the problems associated with providing a point-of-purchase display that extends into an aisle and must deal with the problems of articulation when struck by a person or a shopping cart.

Garfinkle (U.S. 4,881,706), Levine (U.S. 4,909,464), Blansky (U.S. 2,787,433) and Slavsky (U.S. 3,041,760) contain disclosures similar to Boggress (U.S. 4,805,331). The remaining PTO 1449 references are viewed as being of general interest.

While the Applicant and the undersigned attorney believe PTO-1449 patents and publications are of general interest only, it is respectfully requested the Examiner make his or her own independent search and review to determine for himself or herself the extent to which the cited publications and enclosed patents and any others located in the search are deemed to be relevant, if at all, to the presently claimed invention of the above-identified application.

Respectfully submitted,



Lynn G. Foster  
Attorney for Applicant

602 East 300 South  
Salt Lake City, Utah 84102  
Telephone: (801) 364-5633

D:\WPDOCS\LYNN\REYNOLDS\7655DISC.STM

U.S. PATENT AND TRADEMARK OFFICE FORM PTO-146 (Rev. 7-98)		ATT. OFF. NO. 7655	SER. NO. 09/239,918
<b>LIST OF ART CITED BY APPLICANT</b> (Use several sheets if necessary)		APPLICANT <b>Randy B. Reynolds</b>	
		FILING DATE Jan. 28, 1999	GROUP 3628

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AA	4100540	10-06-88	Raymond				
AB	3431689	01-13-76	Shine	40/132R			
AC	4881707	11-21-89	Garfinkle	248	221.4		
AD	4317303	03-02-82	Sernovitz	40	564		
AE	4909464	03-20-90	Levine	248	225.1		
AF	4096656	06-27-78	Diceglie	40	564		
AG	3084463	04-09-53	Guyer et. al.	40	132		
AH	3041760	07-03-52	Slavsky	40	10		
AI	469487		Wallace				
AJ	3070911	01-01-53	Slavsky	40	11		
AK	4819353	04-11-89	Glucksman et. al.	40	152.2		

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AL	4 9 7 8 6 7	5/1930	Germany; Potter	248	291		
AM							
AN							
AO							
AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)	
AR	Computerized P-O-P Signs Provide for Instant Changes of Promotions; July-August 1994, Technology.
AS	
AT	

EXAMINER	DATE CONSIDERED
----------	-----------------

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

LIST OF ART CITED BY APPLICANT  
(Use several sheets if necessary)

APPLICANT  
Randy B. Reynolds

FILED AT  
Jan. 28, 1999

CLASS  
3628

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILED DATE IF APPROPRIATE
	AA	4924363	05-08-90	Kornelson	362	125	
	AB	2541303	02-13-91	Smith	40	126	
	AC	Des. 245945	09-27-77	Mihojevich	D96	12R	
	AD	3517937	06-30-70	Glass et. al.	273	157	
	AE	4805331	02-21-89	Boggess et. al.	40	651	
	AF	2787433	04-02-97	Slavsky	248	204	
	AG	2924902	02-16-80	Luck et. al.	40	130	
	AH	4984693	01-15-91	Belokin, Jr. et. al.	211	88	
	AI	2817131	12-24-97	Seegers	24	73	
	AJ	4055014	10-25-77	Schmidt et. al.	40	152.2	
	AK	5111606	05-12-92	Reynolds	40	642	

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	AL							
	AM							
	AN							
	AO							
	AP							

OTHER PRIOR ART (including Author, Title, Date, Pertinent Pages, Etc.)

	AR	
	AS	
	AT	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

LIST OF ART CITED BY APPLICANT  
(Use several sheets if necessary)

APPLICANT  
Randy B. Reynolds

EXAMINER  
Jan. 28, 1999

3628

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILED DATE IF APPROPRIATE
AA	5 2 3 3 7 7 3	8/1993	Reynolds	40	152.2X	
AB	Des. 24,363	03-08-7	Escalante	D96	12R	
AC	4 0 2 8 8 2 6	06-14-7	Chao et. al.	40	130D	
AD	3 2 2 6 8 6 6	01-04-66	Kuczewski de Poray	40	152.2	
AE	4 6 8 2 4 3 0	07-28-67	Ramsay	40	5	
AF	2 6 5 4 1 7 2	10-06-53	Solomon	40	64	
AG	3 6 9 6 5 4 1	10-10-72	Pittman	40	142	
AH	1 4 1 2 5 8 0	04-11-22	Thayer			
AI	1 4 1 0 6 6 2	03-28-22	Even			
AJ	3 0 1 5 1 7 7	1/1962	Hembd et al.	248	231.21	X
AK	3 1 8 9 1 8 7	6/1965	Guyer, Jr., et al.	248	231.21	X

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO
AL							
AM							
AN							
AO							
AP							

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

AR	
AS	
AT	

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 309; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
7655SERIAL NO.  
09/239,918LIST OF ART CITED BY APPLICANT  
(Use several sheets if necessary)APPLICANT:  
Randy B. ReynoldsFILING DATE:  
January 28, 1999

GROUP 3628

## U.S. PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date If Appropriate
	AA	4,991,338	2/1991	Jones	40	642X	
	AB	1,367,830	2/1921	Poole	40	608	
	AC	1,443,204	1/1923	Bernstein	40	608	
	AD	1,760,270	5/1930	Griswold	40	608	
	AE	1,903,683	4/1933	Nute	40	608	
	AF	5,083,765	1/1992	Kringel	271	118	
	AG						
	AH						
	AI						
	AJ						
	AK						

## FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation	
							Yes	No
	AL							
	AM							
	AN							
	AO							
	AP							

## OTHER RELATED ART (including Author, Title, Date, Pertinent Pages, Etc.)

	1		
	2		
	3		

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



<b>Notice of References Cited</b>				Application No. <i>969397</i>		Applicant(s) <i>Reynolds et al.</i>	
				Examiner <i>Silbermann</i>		Group Art Unit <i>3611</i>	
						Page <u>1</u> of <u>1</u>	
<b>U.S. PATENT DOCUMENTS</b>							
*	A	DOCUMENT NO. <i>6012244</i>	DATE <i>1-2000</i>	NAME <i>Begum et al.</i>		CLASS <i>40</i>	SUBCLASS <i>661.03</i>
	B	<i>1356892</i>	<i>10-1920</i>	<i>Stevens</i>		<i>40</i>	<i>776</i>
	C						
	D						
	E						
	F						
	G						
	H						
	I						
	J						
	K						
	L						
	M						
<b>FOREIGN PATENT DOCUMENTS</b>							
*	N	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
	O						
	P						
	Q						
	R						
	S						
	T						
<b>NON-PATENT DOCUMENTS</b>							
*		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
	U						
	V						
	W						
	X						

\* A copy of this reference is not being furnished with this Office action.  
(See Manual of Patent Examining Procedure, Section 707.05(a).)